

REMARKS

Please reconsider the present application in view of the above amendments and following remarks. Applicants thank the Examiner for carefully considering the present application.

Applicants are amending claims 25 and 54, 62, 63, 83, and 84, canceling claims 26 and 55, and adding new claims 104 and 105 in this Amendment and Response.

Response to Rejection Under 35 USC 101

In the 9th paragraph of the Office Action, the Examiner rejected claims 25, 26, 54, 55, and 62-103 under 35 USC § 101 as allegedly directed to non-statutory subject matter. The Examiner noted that the claimed invention “are directed toward a method of gathering client behavior data and applying said behavior data in the ranking of relevant articles, and are non-statutory because they fail to accomplish a ‘useful, concrete and tangible result.’” The Examiner further indicated that a step such as “returning the arranged articles to a user on a display” would provide such a “useful, concrete and tangible result.” See the present Office Action, paragraph 9.

Applicants respectfully submit that the claimed invention has well-established useful, concrete and tangible results (e.g., the predetermined client behavior score stored in the data store). Nevertheless, to expedite prosecution Applicants have amended independent claim 25 to more explicitly recite arranging the article in a search result based at least in part on the predetermined client behavior score associated with the article and displaying at least a part of the search result to a user. Independent claim 54 is similarly amended. Applicants submit that independent claims 25 and 54 as amended recite limitations similar to the limitation the Examiner recognized as describing a statutory invention. The dependent claims recite statutory subject matter for at least the same reason.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the § 101 rejection.

Response to Rejection Under 35 USC 102(b) in View of Uchiyama

In the 11th through 17th paragraphs of the Office Action, the Examiner rejected claims 25, 26, 54, 55, 62, 63, 71, 80, 83, 84, 92, and 101 under 35 USC § 102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0065802 ("Uchiyama"). This rejection is traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987); MPEP § 2131.

Independent claim 25 has been amended to now recite, *inter alia*, the following:

...
determining client-side behavior data associated with an article;
providing the client-side behavior data associated with the article to a ranking processor;
calculating a predetermined client behavior score for the article based at least in part on the client-side behavior data associated with the article;
storing the predetermined client behavior score in a data store, wherein the data store associates the predetermined client behavior score with the article;
...
arranging the article in a search result of the search query based at least in part on the predetermined client behavior score associated with the relevant article;
...
(emphasis added)

As amended, independent claim 25 beneficially recites a method for arranging articles in a search result. The method recites calculating a predetermined client behavior score for an article based on client-side behavior data associated with the article, and arranging the article in search result based on the predetermined client behavior score associated with the article. Client-side behavior data associated with an article may indicate a user interest in the article, which may in turn reflect an importance of the article. Different client-side behavior data may reflect different importance. For example, printing an article indicates a higher importance than quickly glancing through the article. Therefore, by calculating a predetermined client behavior score for an article based on the client-side behavior data associated with the article, the claimed invention quantifies the

client-side behavior data. This technique is useful, for example, in ranking search results. Independent claim 54 as amended recites similar features.

Uchiyama, among other differences, does not disclose calculating a predetermined client behavior score for an article based on client-side behavior data associated with the article. Uchiyama, in contrast, discloses a system that collects user data from a range of remote resources to accumulate a database of human input information. See Uchiyama, Abstract and Summary, paragraph [0011]. Uchiyama merely teaches about collecting data from users' terminals and transmitting the data to a central server. The data in the central server are subsequently used to provide customized search results. See Uchiyama, paragraphs [0079] and [0092].

The Examiner cited paragraph [0092] of Uchiyama for the teaching of "calculating a predetermined client behavior score based at least in part on the client behavior data associated with the article" recited in independent claim 25 as previously amended. However, the cited section in Uchiyama merely discloses that the Uchiyama system "may provide customized search results by utilizing user profile information collected for each respective individual and comparing that use profile data with the statistical data concerning a given potential search result." See Uchiyama, paragraph [0092]. Providing customized search results by utilizing user profile information and statistical data is different from calculating a predetermined client behavior score for an article based on client-side behavior data associated with the article. In the former case, user data are used to customize search results. For example, Uchiyama teaches that data of the user activities may be transmitted "to the central server for recordation, categorization, and aggregation with data collected from other users" (Uchiyama at paragraph [0059]) and "the number of users who have provided positive feedback ... may be employed by the ranking and filtering engine; authoritative, popular, and relevant sites may be identified through such filtering, and ranked accordingly" (Uchiyama at paragraph [0090]). In contrast, the latter case, which is claimed, quantifies the client-side behavior data related to a specific article by calculating a predetermined client behavior score for the article, which is not disclosed or suggested in Uchiyama.

In view of the above, Uchiyama fails to disclose each and every limitation recited in independent claims 25 and 54. Thus, independent claims 25 and 54 are patentably distinguishable over the cited reference. The dependent claims are allowable for at least

the same reason. Accordingly, withdrawal of the § 102 rejections is respectfully requested.

Response to Rejection Under 35 USC 103(a) in View of Uchiyama and Official Notice

In the 19th through 35th paragraphs of the Office Action, the Examiner rejected claims 64-70, 72-79, 81, 82, 85-91, 93-100, 102, and 103 under 35 USC § 103(a) as allegedly being unpatentable over Uchiyama in view of Official Notice. This rejection is traversed.

Claims 64 and 85 stand rejected under 35 USC 103(a) as being unpatentable over Uchiyama in view of Official Notice. Claims 64 and 85 recite that client-side behavior data associated with an article comprises scrolling activity data. The Examiner took official notice that client-side behavior data associated with relevant article comprising scrolling activity data (i.e., whether the user scrolled down the relevant article to view more of the content) is well known in the art.

Applicants respectfully traverse this official notice. Assertions of technical facts in areas of esoteric technology or specific knowledge of the prior art must be supported by a citation to some reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d 1088, 1091 (CCPA 1970), MPEP 2144.03 A. The claimed invention is not merely client-side behavior data associated with an article comprising scrolling activity data. Rather, the claims recite a method and a computer readable medium containing program code for arranging an article in a search result based on a predetermined client behavior score associated with the article, where the predetermined client behavior score is calculated based on a client-side behavior data such as a scrolling activity data. Whether it is well known to calculate a predetermined client behavior score for an article based on a scrolling activity data associated with the article and arrange the article in a search result based on the predetermined client behavior score is an area of esoteric technology, and is not capable of instant and unquestionable demonstration as being well-known.

Accordingly, Applicants respectfully request that the Examiner provide documentary evidence supporting this rejection.

Claims 65-70, 72-79, 86-91, and 93-100 stand rejected under 35 USC 103(a) as being unpatentable over Uchiyama in view of official notice. Claims 65-70, 72-79, 86-91, and 93-100 recite that client-side behavior data associated with a article comprises printing

data, book marking data, use of computer program application data, use of computer program application data in connection with additional client-side behavior data such as idleness data, use of computer program applications data, time of access data, time of access relative to the access of other associated articles data, forwarding data, copying data, replying data, mouse movement data, user interactions with a separate article data, location data. The Examiner took official notice that client-side behavior data associated with relevant article comprising the above-listed range of data are all well known in the art.

Applicants respectfully traverse this official notice. The claimed invention is not merely client-side behavior data associated with an article comprising one of the above-listed data. Rather, the claims recite a method and a computer readable medium containing program code for arranging an article in a search result based on a predetermined client behavior score associated with the article, the predetermined client behavior score is calculated based on a client-side behavior data such as one of the above-listed data. Whether it is well known to calculate a predetermined client behavior score for an article based on one of the above-listed client-side behavior data associated with the article and arrange the article in a search result based on the predetermined client behavior score is an area of esoteric technology, and is not capable of instant and unquestionable demonstration as being well-known. Accordingly, Applicants respectfully request that the Examiner provide documentary evidence supporting this rejection.

Claims 81, 82, 102, and 103 stand rejected under 35 USC 103(a) as being unpatentable over Uchiyama in view of official notice. Claims 81 and 102 recite determining a combined score from a plurality of types of client-side behavior data. Claims 82 and 103 recite using different weights for different types of behavior data or for client-side behavior data associated with different applications. The Examiner took official notice that combining a plurality of types of client-side behavior data to determine and provide a combined score for use in ranking the relevant articles according to said client-side behavior data and that different weights for different types of behavior data would be used in computation of score such that certain behavior data would be accorded more weight than others are well known in the art.

Applicants respectfully traverse this official notice. The claimed invention is not merely determining a combined score from a plurality of types of client-side behavior data or using different weights for different types of behavior data or for client-side behavior

data associated with different applications. Rather, the claims recite a method and a computer readable medium containing program code for arranging an article in a search result based on a predetermined client behavior score associated with the article, the predetermined client behavior score is calculated based on a combined score from a plurality of types of client-side behavior data or using different weights for different types of behavior data or for client-side behavior data associated with different applications. Whether it is well known to calculate a predetermined client behavior score for an article based on a combined score from a plurality of types of client-side behavior data or using different weights for different types of behavior data or for client-side behavior data associated with different applications and arrange the article in a search result based on the predetermined client behavior score is an area of esoteric technology, and is not capable of instant and unquestionable demonstration as being well-known. Accordingly, Applicants respectfully request that the Examiner provide documentary evidence supporting this rejection.

In view of the above, withdrawal of the § 103 rejections is respectfully requested.

Conclusion

Applicants have added new independent claims 104 and 105 for which Applicants request consideration and examination. Applicants respectfully submit that they are supported by the specification and are commensurate within the scope of protection to which Applicants believe they are entitled.

In sum, Applicants respectfully submit that claims 25, 54, 62-105 as presented herein, are patentably distinguishable over the cited reference. Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them.

Should the Examiner wish to discuss the above amendments or if the Examiner believes that for any reason direct contact with Applicants' representative would help to advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,
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ET AL.

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